

**In The Senate of The United States  
Sitting as a Court of Impeachment**

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**In re:**

**Impeachment of G. Thomas Porteous, Jr.,  
United States District Judge for the  
Eastern District of Louisiana**

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**JUDGE G. THOMAS PORTEOUS, JR.'S  
MOTION TO ADD ONE WITNESS TO THE SUBPOENA LIST**

Judge Porteous respectfully moves the Senate Impeachment Trial Committee (the “Committee”) to allow the addition of one witness to Judge Porteous’s list of witnesses to be subpoenaed and called during the evidentiary hearing. There is good cause for this motion.

Judge Porteous requests that Darcy Griffin, who served as Judge Porteous’s criminal clerk on the Twenty-Fourth Judicial District Court in Jefferson Parish, Louisiana, and who is still an employee of that Court, be added to Judge Porteous’s lists of witnesses and individuals to be subpoenaed by the Committee.

Pursuant to the Committee’s June 21, 2010 Order, on August 2, 2010, Judge Porteous submitted his “Requests for Subpoenas and Immunity.” In that filing, Judge Porteous “reserve[d] the right to call witnesses not listed above that are otherwise required to serve as rebuttal witnesses.” On August 5, 2010, Judge Porteous submitted his “Witness List.” In that filing, Judge Porteous “reserve[d] the right to call additional witnesses, as needed, during the evidentiary hearing for the purposes of either direct, rebuttal, or impeachment evidence.”

If allowed to appear, Ms. Griffin will testify regarding her experiences working for Judge Porteous on the state bench between approximately 1990 to 1994 and for other state court judges before and after Judge Porteous. Ms. Griffin’s testimony will relate to her duties, including the

handling of bond requests and research related to criminal defendants' prior records in preparation for the setting, splitting, and/or reducing of bonds. Ms. Griffin will also testify about her communications with Judge Porteous, members of Judge Porteous's staff, the Marcottes, and jail officials regarding the bond process. Ms. Griffin may also testify about court records and her current experience as a supervisor of criminal clerks in the Twenty-Fourth Judicial District Court.

The lateness of Judge Porteous's request was necessitated by the fact that the defense was only able to speak to Ms. Griffin this afternoon, despite repeated attempts to do so earlier, including attempts to meet in person while the defense team was in Louisiana. Ms. Griffin has been, and still is, on vacation, having only been reached today by cell phone. The defense was reluctant to list a witness with which they had not spoken and who had not previously been called to provide testimony. The defense does not seek immunity for Ms. Griffin, but does request that the Committee issues a subpoena for her attendance at the trial. Given that only one week has passed since the submission of witness lists, Judge Porteous does not believe that this request will cause any prejudice to the House of Representatives.

As the Senators emphasized in the recent pre-trial motions hearing, their primary concern is to establish the facts of what occurred in this case. Ms. Griffin was the clerk who handled many, if not most, of the bonds referenced in the Articles of Impeachment. She has direct knowledge of how those bonds were set and/or modified – evidence that the Senators should have in reaching the merits of these allegations. Due to the absence of any prior criminal trial or indictment, there is no other source for this vital evidence.

Respectfully submitted,

/s/ Jonathan Turley

Jonathan Turley  
2000 H Street, N.W.  
Washington, D.C. 20052  
(202) 994-7001

/s/ Daniel C. Schwartz

Daniel C. Schwartz  
John C. Peirce  
P.J. Meitl  
Daniel T. O'Connor  
BRYAN CAVE LLP  
1155 F Street, N.W., Suite 700  
Washington, D.C. 20004  
(202) 508-6000

Counsel for G. Thomas Porteous, Jr.  
United States District Court Judge  
for the Eastern District of Louisiana

Dated: August 12, 2010

## **CERTIFICATE OF SERVICE**

I hereby certify that on August 12, 2010, I served copies of the foregoing by electronic means on the House Managers, through counsel, at the following email addresses:

Alan Baron – [abaron@seyfarth.com](mailto:abaron@seyfarth.com)

Mark Dubester – [mark.dubester@mail.house.gov](mailto:mark.dubester@mail.house.gov)

Harold Damelin – [harold.damelin@mail.house.gov](mailto:harold.damelin@mail.house.gov)

Kirsten Konar – [kkonar@seyfarth.com](mailto:kkonar@seyfarth.com)

Nafees Syed – [nafees.syed@mail.house.gov](mailto:nafees.syed@mail.house.gov)

/s/ P.J. Meitl